

United States District Court
For the Northern District of California

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8
9

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11

UNITED STATES OF AMERICA,

No. CR 08-0730 WHA

12

Plaintiff,

13

v.

**ORDER DENYING MOTION
TO EXCLUDE DRAWING
OF CLOCK (DKT NO. 4630)**

14

IVAN CERNA, *et al.*

Defendants.

15

16

Defendant Guillermo Herrera's motion to exclude the drawing of a clock reading the time
17 "12:10" (the alleged time of the Armando Estrada homicide) seized from his jail cell is **DENIED**.
18 Rule 16 did not require that the prosecutor copy the drawing and send the copy to defense
19 counsel. All Rule 16 required was that defense counsel be notified that evidence was on hand at
20 the federal building and be extended an opportunity to come and inspect, copy, or photograph any
21 evidence, all of which was timely done here.

22

23

IT IS SO ORDERED.

24

Dated: July 8, 2011.



25

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

26

27

28